

## COTTS IS HELD

To Await Action by the Criminal Court Grand Jury, on the

## CHARGE OF BEING A BARRATOR.

Colonel Arnett and Mr. Ryan Made the Arguments in Behalf of the Accused man, While Ex-Congressman Pendleton Presented the Case of the Prosecution, and Denounced Cotts in a Scathing Manner.

Yesterday afternoon, in the criminal court room, the barratry hearing in which W. J. Cotts figures as the defendant came to its conclusion, and Justice Greer decided to hold Cotts for action by the criminal court grand jury. Mr. Cotts gave \$500 bond for his appearance and was released. Colonel W. W. Arnett and Mr. Richard Ryan argued the case for the defense, and Colonel Arnett's plea was one of considerable strength. For the prosecution, ex-Congressman John O. Pendleton made the best speech of his legal career; his denunciation of Cotts' methods was severe and unrelenting throughout, and it was not to be wondered at that Mr. Cotts at one or two points squirmed under the merciless fire directed at him, and protested by word of mouth. The arguments were heard by the largest crowd that has been in evidence since the barratry hearing began. Next week the barratry proceedings against J. E. W. McCulley and Justice John G. Habersfield will be heard by Justice Greer.

**Mr. Pendleton Opens.**  
In opening, Mr. Pendleton said it was a fine showing for the people of Ohio county that in but one former instance had there been an arrest for barratry. He then read the language of the warrant served on Mr. Cotts. Barratry was defined in law as a common mover of suits and quarrels, whereby discord and dissension are the outgrowth. There are two classes of charges against Cotts, the stirring up of the tax informer suits and the bringing of the suits in courts having no jurisdiction. Proceeding, Mr. Pendleton showed the illegality of the tax informer proceedings, and alleged that Cotts, McCulley and Bird entered into a conspiracy with certain justices of the peace and dragged citizens before them.

Mr. Cotts, he said, likes law suits, and bought up the John Anderson fee claims, and entered suits to collect some of them. Here again citizens were dragged before the squires to enforce illegal claims. Legally, he said, there was no foundation for these old, stale and unprofitable claims. Cotts did these things knowing the justices had no jurisdiction.

**Mr. Ryan's Remarks.**  
Mr. Richard Ryan opened for the defense. He claimed a barrator is one who is not interested in the suit; otherwise every banker is a barrator. Cotts has won every suit he has brought in the courts of Ohio county, does that show he has proceeded illegally. Except in the tax cases Mr. Cotts has been directly interested, and there is nobody except Mr. Pendleton, who has testified he was connected with those cases; he was only the clerk of Bird. Cotts had a right to sue Bishop Donohue; he had a right to protect his interests in the McElroy street lot, and the Wheeling & Elm Grove Railway Company and the Reymann Breving Company are the barrators in this case if there are any such. There is no act in this state covering barratry; the only authority is Blackstone, and times have changed since Blackstone's time. Mr. Cotts had as much right to buy the Anderson claims as a bank has to deal in notes. There is no evidence Mr. Cotts collected any unjust claim; the only unjust claim was that of J. A. Henry which was not collected.

**Col. Arnett's Address.**  
Colonel W. W. Arnett next spoke for the defense. He spoke of the manner of the instituting of this charge of barratry. Bachmann, he said, had been ruled by feelings of malice and spite. There is no element of barratry in this case, and he challenged criticism of this action. The court believed he could convince the court of the truth of his claim. There was one case of barratry in this county, and the judgment of the lower court was only sustained because the appeal was not taken within thirty days. So there is no conviction on barratry in this state. In New York and Pennsylvania and some other states there are statutes on the subject; in this state there is none.

So far as the case of Cotts is concerned, there can be no barratry. He read from Mayo's Guide at some length in support of his position. There is no barratry where the accused sues in his own right, even though the contention is groundless. This disposes of all of the cases brought in Cotts' own name. Anyhow, any citizen has the right to assert his own rights as Mr. Cotts has done. The speaker said the reason the case against Cotts was not set at the last term of court was that he was a candidate for office at the time.

As to the case of Bishop Donohue, he should be prosecuted if he violated the law. The law was violated in the putting down of the steps at the Cathedral. In the Sloan case, the accusation was with foundation, said the speaker, and cited the law bearing on the matter. No court can assert an citizen cannot prosecute a just claim, and the case against Sloan was a just claim. In every litigation instituted by Cotts there was cause. Barratry is the stirring up of quarrels between other people, the act of the busybody, and there is no such instance in this case. Such a thing is charged in the tax informer cases, but he would dispose of that accusation. But if suits are encouraged between others and the motive is not for gain, there is no barratry.

As to the tax cases, if a man acts conscientiously he is not guilty of barratry. Here every man in the state is invoked.

**Dr. Mitchell says in difficult cases of Anemia, he adds cod-liver oil half an hour after each meal and he likes to use it in an emulsion; that he has watched with growing surprise some listless, feeble, creature gathering flesh, color and wholesomeness of mind and body from this treatment.**

**"Scott's Emulsion" is cod-liver oil combined with hypophosphites. It regenerates tissue, invigorates the nerves and brain, enriches the blood and adds fat and strength.**

one and 1/2 oz. all druggists.  
SCOTT & BOWNE, Chemists, New York.

## MUNYON'S



I will guarantee that my Kidney Cure will cure 90 per cent. of all forms of kidney complaint and in many instances the most serious forms of Bright's disease. If the disease is complicated send a four-ounce vial of urine. We will analyze it and advise you free what to do.

At all druggists, 25c. a vial. Gold to Health and medical advice free. 1505 Arch St. Phila.

## KIDNEY CURE

by law of the state to protect the interest of the state: is such a course of action barratry? Why, such a proposition is absurd, said the speaker. Here the man's cupidly is aroused by the law itself, which holds out to him a reward of five per cent, and there can be no barratry. True, the tax informers didn't go about it the right way; but did they pursue the wrong course intentionally? Of course not. Everywhere else, said the speaker, tax informer proceedings have been applauded by the press and public; he knew of but one reason for the hostile sentiment here, that a stranger brought the proceedings. Mr. Cotts was treasurer for Bird, and says he would have received more compensation if the proceedings had been successful. Cotts first met Bird through the latter entering information against him, and later he had become Bird's employee.

As to the Anderson claims, said Colonel Arnett, any man has the privilege of buying claims as an investment. Everything "Jim" Cotts has done is not deserving of commendation, but we are not trying that question; he is the judge of that and so long as he does not go outside the limits of the law he is entitled to protection.

There is no case in which Cotts did not proceed in his own right. Where, then, is there barratry? He did not attempt to stir up strife between other persons, and unless this is done there can be no barratry. There must be an improper motive at the bottom of it, too. With Mr. Cotts, there was no improper motive; he had the right to assert his proper claims.

**Mr. Pendleton Closes.**  
Mr. Pendleton then closed for the prosecution. Justices of the peace have no jurisdiction over fee claims or tax informer claims; no attorney except Colonel Arnett had ever contended otherwise. As to barratry, he cited an English opinion in support of the claim that a man can be guilty of barratry who institutes suits in his own name.

As high handed a piece of villainy as was ever perpetrated in Ohio county is the Sloan case. We all know it is illegal to collect more than 6 per cent interest, yet Cotts and Hasenauer compelled Sam Sloan to pay \$170 for the use of \$73. And they had him arrested by a justice of the peace on a criminal charge. Was there ever a Shylock who exacted so much from a creditor? Hasenauer knew he couldn't collect such a claim, and sold it to a peddler of broken down claims. What did Cotts do? He was guilty of the worst type of barratry, of blackmail of the vilest character, by arresting poor Sam Sloan on a criminal charge. This was one of the tricks of Mr. Cotts.

Then there is the Joe Green case. Years ago he had a case which he won. Mr. Cotts acquires the alleged Anderson claims. Cotts goes to Green and says he will have him indicted by the grand jury unless he settles.

Next comes the Clarke-Bachmann case. Cotts hears there is such a claim, buys the claim, tries to collect it, and then goes before "his convenient justice, John G. Habersfield," and swears out a warrant against Bachmann. Isn't this stirring up another's claim? Cotts testified his lawyer said he had the claim, and sold it to a peddler of broken down claims. What did Cotts do? He was guilty of the worst type of barratry, of blackmail of the vilest character, by arresting poor Sam Sloan on a criminal charge. This was one of the tricks of Mr. Cotts.

Then there is the Egertler claim. Here Cotts tells Egertler he wants to make it hot for Mrs. Egertler; that claim was bought to get even with somebody, with Mr. Reymann, we are told, said the speaker.

Next comes the Bishop Donohue case. He not only persecuted Bishop Donohue, Sam Sloan, Joe Green, Harry Bachmann, but in addition he writes a threatening letter to Mr. Reymann—says he will stop a railroad in Fulton and indict the Wheeling Park Association; all this he will do unless Mr. Reymann buys him a little piece of ground. At this point Mr. Cotts and Colonel Arnett interfered, but were called to order by the justice.

Mr. Pendleton read the threatening portion of the letter from a copy of the Intelligence which he picked up from the table. Too much association with Mr. Cotts, said the speaker, has given Colonel Arnett wrong ideas of the law in this case, and the spectators again laughed.

The informer is the vilest of beings in Ireland; yet we are told that the tax informers should be respected in this community. The speaker then criticized thoroughly. He had found this court to be only a court of inquiry, and after mature consideration he had determined to hold the defendant, requiring him to give bond in the sum of \$500 for his appearance before the criminal court to be there dealt with according to law. The decision of the justice was received with equality by Mr. Cotts and his attorneys, who signified their intention of securing his release under bond.

Mr. Pendleton asked to have the hearing of the barratry proceeding against Attorney J. E. W. McCulley set for next Tuesday, and that against Justice of the Peace John G. Habersfield set for the following day. The justice ruled he would set these hearings later.

**STORAGE Sale of Household Goods to-day.**

WHITE, HANDLEY & FOSTER.

## MUCH OPPOSITION

To Appointment of Female Principal for Clay School

## CLAY COMMISSIONERS WON

For Their Choice After a Gallant Fight at Board of Education Meeting—They had Selected Miss Lafferty of Akron—Dr. Jepson Advised Strict Conformity With Vaccination Regulations by Principals.

The death knell of female principals was forecast at the board of education meeting last night, over the appointment of Miss Loretta Lafferty, of Akron, O., to the principalship of Clay school, made vacant by the recent resignation of Miss Elizabeth Clohan now superintendent of the Girls' Industrial Home, at Salem. Quite a debate ensued on Miss Lafferty's appointment, which went through on a vote of 11 to 7, but the opposition shown to female principals bode ill for similar recommendations in the future. Another important transaction at the meeting was the communication from Health Officer S. L. Jepson, relative to the vaccination of school children.

Superintendent Anderson's monthly report showed the following school statistics:

SCHOOLS.	Enrollment for the Month.	Average Daily Attendance.	Average Monthly Attendance.	Per Cent of Attendance.	No. Perfect in Attendance.
High School.....	253	231	12	96	112
Washington.....	376	429	47	91	153
Madison.....	656	548	58	92	211
Clay.....	652	410	58	88	114
Union.....	459	312	21	83	173
Centre.....	234	212	21	89	73
Webster.....	234	212	21	89	73
Ritchie.....	187	178	68	91	245
Lincoln.....	171	147	12	91	61
Total.....	4,225	3,720	361	91	1,223

The committee on public library recommended an increase of \$3,000 on the insurance held on the library books. The insurance at present is \$7,000, and it was \$4,000 until last September. A rough estimate values the books at \$20,000. The board passed on bills totaling \$235 65 submitted by this committee; but referred the insurance feature back to the committee.

Mr. Schaub offered a resolution calling for the introduction of stenography and typewriting as elective studies in the second year of the high school course. The resolution was referred to the committee on teachers and schools. The following communication from Dr. Jepson, the city health officer, was read, and it speaks for itself:

WHEELING, W. Va., March 15.  
To the Board of Education:  
GENTLEMEN:—I desire to call your attention to rule 19 which provides that no pupil shall be admitted into any school in this district who cannot furnish satisfactory evidence that he or she has been vaccinated or otherwise secured against small pox.

It is a well known fact that this rule is

**Babies Thrive On It.**

**Gail Borden Eagle Brand Condensed Milk.**

**LITTLE BOOK "INFANT HEALTH" SENT FREE.**  
Should be in Every House.  
N.Y. CONDENSED MILK CO.  
NEW YORK.

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## A MEDICINE—A STIMULANT.

## DUFFY'S PURE MALT WHISKEY



## FOR MEDICINAL USE NO FUSEL OIL

For affections of the throat and lungs. A safeguard against pneumonia. No who takes it may be as well at home as if he spent the winter in the Adirondack woods.

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